

## **DRAFT Version 03**

Subject: **ACTION:** Program Guidance Letter 01      Date:

From: U.S. Department of Transportation

To: All U.S. Air Carriers

### 01.1 The Air Transportation Safety and System Stabilization Act, Public Law 107-42.

On September 22, 2001, the President signed into law the Air Transportation Safety and System Stabilization Act ("the Act"), Public Law 107-42. In this initial program guidance letter, the Department requests information regarding estimated losses to expedite disbursement of funds to air carriers pursuant to Section 101(a)(2) of the Act, conditioned on repayment in the event that the amount disbursed exceeds the amount of actual losses.

### 01.2 Aviation Disaster Relief

The Act makes available to the President funds to compensate air carriers, as defined in the Act, for direct losses suffered as a result of any Federal ground stop order and incremental losses beginning September 11, 2001, and ending December 31, 2001, resulting from the September 11, 2001, terrorist attacks on the United States. In order to be eligible, air carriers requesting compensation under this statute must comply with the requirements outlined in this guidance letter.

### 01.3 Required Information Regarding Estimated Losses

1. Air carriers must provide information documenting: (a) direct losses incurred beginning on September 11, 2001, by the carrier as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; (b) the incremental losses incurred beginning September 11, 2001 and ending December 31, 2001, by an air carrier as a direct result of the September 11, 2001 attacks.
2. Compensation payments to air carriers allowable under the Act may not exceed, and may be less than, the amount of losses described above. Further, these losses must be documented by the carriers to the satisfaction of the President and Secretary of Transportation.
3. Air carriers must submit sworn financial statements signed by their Chief Executive Officer, Chief Financial Officer or Chief Operating Officer and supporting financial data that fully substantiates the estimated losses claimed. The Department will require additional justification and supporting information for the purpose of determining the actual losses incurred by the air carriers.
4. Each air carrier shall submit supporting evidence, particularly publicly disseminated information, which substantiates the validity of pre-September 11th estimates, and any subsequent estimate. Along with the data required in the attached chart, the appropriate company official must certify that the submitted figures are prepared under his/her supervision and are true and accurate under penalty of law.

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### 01-4 Submission of Applications

1. Applications received by noon, Tuesday, September 25, 2001, will be considered by the Department for the earliest possible disbursement of funds. Subsequent applications will be processed in the order they are received.
2. Applications should be submitted to the U.S. Department of Transportation, Disaster Relief Desk at the Office of Aviation Analysis (X-50), 400 Seventh Street S.W., Washington, D.C. 20590. Tel. 202-366-1053.

### 01-5 Payments

1. Approved compensation will be disbursed through multiple payments. The first payment will be, at most, the Department's preliminary estimate of fifty percent of each air carrier's total compensation as set forth in the Act.
2. Payments to air carriers shall be subject to adjustment, audit and refund as may be deemed necessary by the Department. In the event that the compensation to which an air carrier is finally entitled is less than the amounts disbursed, the air carrier shall be required to refund the overage.
3. Air carriers applying for compensation for passenger and combination passenger/cargo flights must submit their August 2001 total completed Available Seat Miles for scheduled and non-scheduled, foreign and domestic services by noon (EDT) on Thursday, September 27, 2001. Air carriers applying for compensation for all-cargo flights must submit their Revenue Ton Miles (for all-cargo flights only) for the second calendar quarter of 2001 by noon (EDT) on Thursday, September 27, 2001, if they have not already done so as part of their routine DOT reporting requirements. The appropriate company official must certify that the submitted figures were prepared under his/her supervision and are true and accurate under penalty of law. This data should be submitted to the same Disaster Relief Desk indicated above.
4. We direct the air carriers to retain all books, records, and other source and summary documentation supporting their claims for compensation of direct and incremental losses pursuant to **Sections 101, 103, and 106** of the Act. Air carriers shall preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department of Transportation, the Comptroller General of the United States, or other Federal agencies. Such documentation shall be retained for a minimum of five years. Each carrier shall make all requested data available within 30 days from a request by the Department, the Comptroller, or other Federal agency.

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**Attachment to Program Guidance Letter 01**  
**Air Transportation Safety and System Stabilization Act**

**Part I**

<b>NAME AND ADDRESS OF AIR CARRIER</b>	
<b>TYPE OF OPERATING AUTHORITY HELD BY THE AIR CARRIER</b>	

**ESTIMATE OF LOSS**

	Pre 09-11-01 Forecast for the Period of 09-11-01 through 12-31-01	Current 09-11-01 Forecast for the Period of 09-11-01 through 12-31-01	Difference Between the Pre 09-11-01 Forecast and Current Forecast
Total Operating Revenue			
Total Operating Expenses			
Total Operating Income			
Non-Operating Income			
Non-Operating Expenses			
Income Before Taxes			
Total Net Income			

**Part II**

Approved compensation will be made via Electronic Funds Transfer. The Department of Transportation can process this type of payment only if air carrier applicants submit the following banking information with their request:

Air Carrier Bank Routing Number	__ __ __ __ __ __ __ __ __ (9 positions)
Air Carrier Bank Account Number	
Name on Account	
Type of Account ( <i>e.g.</i> , checking, savings)	
Taxpayer ID Number	

**CERTIFIED TRUE AND ACCURATE UNDER PENALTY OF LAW:**

\_\_\_\_\_  
**CERTIFYING OFFICER**  
**(CEO, CFO or COO)**

\_\_\_\_\_  
**DATE**